



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2206153

Applicant Name: Debbie Goodman

Address of Proposal: 6445 N.E. Windermere Road

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide two parcel of into two parcels of land in a steep slope Environmentally Critical Area (ECA). Proposed parcel sizes are: A) 20,087 sq. ft; B) 32,989 sq. ft.; C)49,487 sq. ft.; D)13,302 sq. ft.; and E) 17,012 sq. ft. An existing shed and other out buildings would be removed. All other structures on the property would remain.

The following approval is required:

Short Subdivision - to subdivide two existing parcels into five parcels.
(Chapter 23.24, Seattle Municipal Code).

SEPA – Environmental Determination
(Seattle Municipal Code Chapter 25.05)

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction

BACKGROUND DATA

Site And Vicinity

- *Zone:* SF 9600
- *Required Minimum Lot Size:* 9,600 sq. ft.
- *Location:* The address of the two existing parcels are 6435 and 6445 NE Windermere Road and are located on the southeast side of the street. The properties abut Lake Washington to the east.
- *Site size:* The entire site measures 137,877 sq. ft. or 3.05 acres.
- *Topography/Vegetation:* The parcels slope from the west to the east with the higher elevation abutting N.E. Windermere Road. An ECA defined steep slope, trending north/south, cuts through the center portion of the properties; several large trees with an under story of shrubs and grasses and residential ornamental landscaping.
- *Existing development:* two single family structures proposed to remain; several out buildings that would be removed.
- *Street/Access:* N.E. Windermere Road at this location is residential street improved with curbs and gutters on both sides of the street and a sidewalk on west side of the street.
- *Surrounding Neighborhood:* Single family residential; the abutting properties to the south are platted in a similar manner to the proposed short subdivision.
- *Environmentally Critical Areas (ECA):* Portions of the parcels are within a designated steep slope area due to slopes of 40% or more.
- *Other:* The properties are also within a Urban Residential (UR) shoreline environment.

Proposal

- *Number of Parcels:* Five.
- *Area of Parcels:* A) 20,087 sq. ft; B) 32,989 sq. ft.; C) 49,487 sq. ft.; D)13,302 sq. ft.; and E) 17,012 sq. ft.
- *Access:* Parcels A, E, and 12-foot wide “pan handle” portion of parcel D would front directly onto NE Windermere Road and provide access to the parcels . An existing 20-foot wide access easement that begins on the abutting property to the north would be extended and would serve proposed parcels B and C.
- *Other:* Proposed parcels B and C would contain steep slopes. A no build area, restricting future development, would be established in the 40% steep slope areas.

Public Comment:

- *Date of Notice of Application:* November 14, 2002
- *Date End of Comment Period:* December 4, 2002
- *Number of Comments:* None
- *Issues:* None identified by the public.
- *Other Considerations:* None

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short subdivision shall be approved unless all of the following facts and conditions are found to exist. The findings which follow are based upon information provided by the applicant; review of access, drainage and zoning within the Department of Design, Construction and Land Use (DCLU); review from Seattle Public Utilities, Seattle Fire Department and Seattle City Light; and, review by the Land Use Planner.

1. Conformance to the applicable Land Use Code provisions;

The lots created by the proposed short subdivision will conform to all development standards of the SF 9600 zone. The lot configurations provide adequate buildable area to meet applicable density, zone setbacks, lot coverage requirements, shoreline setback requirements and other land use code development standards. Any new development must conform to land use code requirements at the time of application. The location at the public right-of-way for all signage and addressing should be established on the final plat.

The Seattle Comprehensive Plan's land use policies for the SF 9600 zone are designed to preserve the character of single-family residential areas and discourage the demolition of single-family residences and displacement of residences. This proposal would create three additional building sites from two existing parcels of land for a total of five new lots in a single-family residential zone. No demolition of the existing single-family residences is proposed. Therefore, this proposal is consistent with applicable land use code provisions.

2. Adequacy of access for vehicles, utilities and fire protection, as provided in Section 23.53.005;

Proposed Parcels A, D and E would have adequate vehicle and utility access via N.E. Windermere Road. Prior to construction on Parcel D, a curb cut permit will be required to establish access to the parcel. A 20- foot wide access easement (under King County recording #5582493) that winds through the abutting properties to the north would provide access to parcels B and C. A copy of said easement must be included in the file of record prior to recording of the final plat.

The Seattle Fire Department provides emergency vehicle access to the site, however, because portions of the proposed access easement would have slopes up to 20% the Department has indicated that the following conditions must be noted on the final mylar:

1. Pave the proposed access road serving proposed Parcel B and C and limit the maximum slope to 20%.
2. Future single family residences on parcels B and C must have automatic sprinklers monitored by an approved central station service .
3. Since the nearest fire hydrant is located further than 600 feet, a fire hydrant must be installed approximately half way down the access road to serve parcels B and C.

Seattle City Light provides electrical service to the subject property and has indicated that easement for electrical facilities serving proposed parcels B and C would be necessary. The easement described as #250411-1-003C must be included on the final mylar. Prior to recording the short plat, all existing utility lines must be shown on the face of the plat.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

The existing structure located upon proposed Parcel A is connected by what appears to be a twinned sidesewer, also serving the existing structure located upon proposed Parcel B, to a 8-inch public sanitary sewer (PSS) located within a easement, generally paralleling the shoreline and just upland of the high water mark, across proposed Parcels B & C. Proposed Parcels C & D are currently undeveloped. Proposed Parcel E is connected by a single sidesewer, extending across proposed Parcels D & B before connecting to the 8-inch PSS on proposed Parcel B. There is also a 12-inch PSS located in N.E. Windermere Rd. The existing structure located upon proposed Parcel B is discharging stormwater runoff directly to Lake Washington. There is also a 12-inch public storm drain (PSD) located in N.E. Windermere Rd. Easements for the existing side sewers should be included as part of the proposed legal descriptions.

Seattle Public Utilities reviewed the short subdivision application and approved a Water Availability Certificate, No. 2002-1280, on December 11, 2002. All conditions on the certificate must be met prior to receiving water service.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The proposed subdivision is consistent with relevant SF 9600 zone land use policies and meets the minimum provisions of the Seattle Land Use Code. The proposal meets all applicable criteria for approval of a short plat as discussed in this analysis and decision. The public use and interests are served by permitting the proposed division of land.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*

The proposal site contains steep slope environmentally critical areas as defined in Seattle Municipal Code Chapter 25.09. The existing residences that would remain on parcels A and E are located outside of the steep slope area. The parcels located outside of the steep slope area are: Parcel A) 17,012 square feet; Parcel D) 13,302 square feet; and Parcel E) 12,361 square feet, well over the minimum 9,600 square feet required in the SF 96000 zone.

The provisions of SMC 25.09.240. D state in part that the identified steep slope areas shall receive no development credit for use in calculating minimum lot area requirements. Proposed Parcel B would have 32,989 sq. ft. with 8,581 sq. ft. encumbered by steep slopes. 8,970 sq. ft. of parcel are also submerged lands and may not be calculated in lot coverage (SMC 23.60.152.R). The remaining 15,438 sq. ft. meets the minimum lot size in the SF9600 zone. Proposed Parcel C would have 49, 487 sq. ft with 10,110 sq. ft. encumbered by steep slopes with 8,581 sq. ft. encumbered by steep slopes. 14,512 sq. ft. of parcel C are also submerged lands and may not be

calculated in lot coverage (SMC 23.60.152.R). The remaining 18,574 sq. ft. meet the minimum lot size in the SF 9600 zone. The environmentally critical areas must be shown on the face of the plat with a note that this short subdivision is subject to the Environmentally Critical Areas Standards of Chapter 25.09 of the Seattle Municipal Code and no development of the steep slope areas shall be permitted.

Prior to, or with the recording of this short plat and pursuant to SMC 25.09.240.A, the final short plat must include a covenant that restricts development to the areas specified on the approved site plan (those areas outside of the steep slope and its buffer). Additionally, pursuant to SMC 25.09.060.B.3, Application Submittal Requirements, General Requirements and Development Standards, permanent visible markers shall be placed along the top of the steep-slope buffer to delineate the buffer no build area and must be shown and described on the plat prior to recording. The markers shall be either reinforcing steel or metal pipe driven securely into the ground with a brass cap affixed to the top similar to survey monuments. The brass cap shall be visible at the ground surface and indicate the purpose of the marker. Markers shall be placed at all points along the buffer delineation where the buffer changes direction from a straight line, exclusive of the exempted access area. Markers must be in place before issuance of this short subdivision permit.

6. *Is designed to maximize the retention of existing trees;*

Several trees have been shown on the preliminary short subdivision drawings. The design of the plat will allow for retention of trees on the site. The applicant must note on the face of the plat that all future construction on parcels B, C, and D must comply with the tree removal/retention development standards of SMC 23.44.008.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

This criterion is not applicable to this short subdivision.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED** subject to the conditions noted at the end of the report.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the annotated environmental checklist (dated November 14, 2002), a geo-technical report prepared by Creative Engineering Options, Inc. (dated October 12, 2002), and supplemental information in the project file submitted by the applicant. The information in the checklist, the supplemental information,

and the experience of the lead agency with the review of similar projects forms the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, *“Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation”* subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

Short-term or Construction Related Impacts

The following temporary or construction-related impacts are expected as a result of future new single family construction: 1) temporary soil erosion; 2) decreased air quality due to increased dust and other suspended air particulates during excavation and construction; 3) increased noise and vibration from construction operations and equipment; 4) increased traffic and parking demand from construction personnel; 5) blockage of streets by construction vehicles/activities; 6) conflict with normal pedestrian movement adjacent to the site; and 7) consumption of renewable and non-renewable resources. These impacts are not considered significant because they are temporary and/or minor in scope (Section 25.05.794, SMC). Although not significant, the impacts are adverse and certain mitigation measures are appropriate as specified below.

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Specifically these are: 1) Street Use Ordinance (watering streets to suppress dust, obstruction of the pedestrian right-of-way during construction, construction along the street right-of-way); 2) Building Code (construction measures in general); and 3) Stormwater, Drainage and Grading Code (temporary soil erosion). Compliance with these applicable codes and ordinances will be adequate to achieve sufficient mitigation and further mitigation by imposing specific conditions is not necessary for these impacts. However, the proposal site is located in an steep slope environmentally critical area. Therefore, additional discussion of earth impacts is warranted.

Earth

The ECA Ordinance and Directors Rule (DR) 3-93 typically require submission of a soils report to evaluate site conditions and provide recommendations for safe construction in areas with steep slopes, liquefaction zones, and/or a history of unstable soil conditions. A soils report was submitted by a qualified geo-technical engineer that outlined several precautions for future construction on the proposed parcels. DCLU geo-technical staff have indicated that additional information would be required for future development on proposed Parcel D. Also, additional information must be provided for future construction on proposed Parcel C. An ECA correction notice to that effect was forwarded to the applicant and will be evaluated with future building

permit submittals. Since future construction on the proposed parcels is subject to further review per ECA standards (SMC 25.09) no further SEPA mitigation is warranted.

The Stormwater, Grading, and Drainage Control Code also, requires preparation of a soils report for future construction to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

Other Short-term Impacts

The other short-term impacts not noted here as mitigated by codes, ordinances, or conditions (e.g., increased traffic during construction, additional parking demand generated by construction personnel and equipment, increased use of energy and natural resources) are not sufficiently adverse to warrant further mitigation or discussion.

Long-term Impacts

Potential long-term impacts that may occur as a result of this project include: 1) increased surface water runoff from greater site coverage by impervious surfaces; 2) increased bulk and scale on the site; 3) increased traffic and parking demand due to residents and visitors; 4) minor increase in airborne emissions resulting from additional traffic; 5) minor increase in ambient noise due to increased human activity; 6) increased demand on public services and utilities; 7) increased light and glare; and 8) increased energy consumption. These long-term impacts are not considered significant because the impacts are minor in scope.

The long-term impacts are typical of single family development and will be mitigated by the City's adopted codes and/or ordinances. Specifically these are: Stormwater, Grading and Drainage Control Code (storm water runoff from additional site coverage by impervious surface); Land Use Code (aesthetic impacts, height, setbacks, parking); and the Seattle Energy Code (long-term energy consumption) and the conditions of approval for the subject short subdivision.

The other impacts not noted here as mitigated by codes (increased ambient noise; increased demand on public services and utilities; increased airborne emissions; increased light and glare) are not sufficiently adverse to warrant further mitigation by condition.

Summary

In conclusion, several effects on the environment would result from the proposed development. The existing codes are intended to mitigate specific impacts identified in the foregoing analysis, per adopted City policies.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS - SEPA

None.

CONDITIONS - SHORT SUBDIVISION

Prior to Recording

The owner(s) and responsible party(s) shall:

1. Provide final recording forms and fees. Have the final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel or tract created by the short subdivision shall be surveyed in the field and all property corners set in conformance with appropriate state statute. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown, as well as all structures and distances from them to the proposed property lines. All existing structures, principal and accessory, shall be shown on the face of the plat and their distances to the proposed property lines dimensioned. A licensed surveyor shall stamp the short plat drawings.
2. Submit final recording forms for approval and any fees, if necessary.
3. Add the noted conditions of approval after recording on the face of the plat and/or on a separate sheet if necessary.
4. Pursuant to subsection A of SMC 25.09.240, the final short plat must include a covenant that restricts development to the area outside of the ECA Steep Slope and required buffer area. The covenant shall be in the form given to the applicant by DCLU.

5. The location of existing utility lines shall be shown on the face of the plat.
6. Easements for the existing side sewers shall be included as part of the legal descriptions.
7. The location at the public right-of-way for all signage and addressing shall be determined and shown on the final plat.
8. A copy of the easement (King County recording #55824930), establishing the 20-foot wide access road for Parcels B and C, shall be submitted to DCLU and included in the file of record prior to recording of the final plat.
9. The steep slope environmentally critical area shall be clearly delineated on the face of the final plat and described as a “no build area”. A note on said plat shall state that future construction of the remaining portion of Parcels B, C, and D are subject to the Environmentally Critical Areas standards of Chapter 25.09 of the Seattle Municipal Code. Provide an ECA covenant per SMC 25.09.240.
10. Permanent visible markers along the bottom of the steep-slope to delineate the no build area must be shown and described on the plat prior to recording. The markers shall be either reinforcing steel or metal pipe driven securely into the ground with a brass cap affixed to the top similar to survey monuments. The brass cap shall be visible at the ground surface and indicate the purpose of the marker. Markers shall be placed at all points along the toe of the slope delineation where the buffer changes direction from a straight line, exclusive of the exempted access area. Markers must be in place before issuance of this short subdivision permit.
11. A note on the face of the plat shall state that all trees shall remain on Parcels B, C and D and tree removal on the parcels shall be subject to the development standards of SMC 23.44.008 for all future construction.
12. The Seattle City Light easement described as #250411-1-003C, shall be included in its entirety on the face of the final plat.

After Recording and Prior to Issuance of a Building Permits

13. The following Seattle Fire Department conditions shall be shown on the face of the final mylar:
 - a. The proposed access road serving Parcel B and C shall be constructed, paved and limited to maximum slope to 20%.
 - b. Future single family residences on Parcels B and C shall have automatic sprinklers monitored by an approved central station service .

- c. A fire hydrant shall be installed approximately half way down the access road serving parcels B and C, at a location to be approved by the Seattle Fire Department.
- 14. A copy of the recorded short subdivision shall be attached to all building permit sets of plans for future construction on Parcels A and B.
- 15. Future construction on Parcels B and C shall comport with recommendation of the Geo-technical report prepared by Creative Engineering Options, Inc. and dated October 14, 2002 and any modification deemed necessary per ECA standards at SMC 25.09.

Signature: (signature on file) Date: April 14, 2003

Carol Proud, Senior Land Use Planner
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Land Use Services